

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:)	
)	
Jean-Louis H. GUERET)	Group Art Unit: 1619
)	
Application No.: 10/541,840)	Examiner: Brian M. Gullledge
)	
Filed: July 12, 2005)	
)	
§ 371 Date: July 10, 2006)	Confirmation No.: 4272
)	
For: PROCESS OF HEATING A)	
CARRIER ON WHICH OR INSIDE)	
WHICH A COSMETIC PRODUCT)	VIA EFS WEB
IS PLACED)	

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

RESPONSE TO RESTRICTION REQUIREMENT

In an Office Action dated December 9, 2009, the period for reply having been extended one month to February 9, 2009, the Examiner required restriction under 35 U.S.C. § 121 between the following groups of claims:

Group I: Claims 18-47, drawn to a method of applying a cosmetic product; or

Group II: Claims 48-54, drawn to a carrier associated with a cosmetic product.

Applicant traverses the restriction requirement. However, to be fully responsive, Applicant elects, with traverse, Group I, claims 18-47, drawn to a method of applying a cosmetic product.

Applicant respectfully traverses the restriction requirement for at least the reason that the Office has not shown there to be a serious burden to examine the entirety of the

subject matter together. The guidelines for restriction practice are explicitly clear. In order for a restriction requirement to be proper, “[t]here must be a serious burden on the examiner....” MPEP § 803. In the present case, Applicant respectfully submits that no such burden exists due to the fact that the claims recite overlapping subject matter. For example, both groups of claims recite a carrier that is “substantially dry to the touch.” See, e.g., claim 18 of Group I, and claim 48 of Group II. Accordingly, a search for the subject matter of Group I should overlap with a search of the subject matter of Group II. Accordingly, Applicant requests that the restriction requirement be withdrawn.

Please grant any extensions of time required to enter this response and charge any additional required fees to our Deposit Account No. 06-0916.

Respectfully submitted,

FINNEGAN, HENDERSON, FARABOW,
GARRETT & DUNNER, L.L.P.

A handwritten signature in black ink, appearing to read 'Mark D. Sweet', written over a horizontal line.

Dated: February 9, 2009

By: _____
Mark D. Sweet
Reg. No. 41,469